

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

In the Matter of

ST. REGIS MOHAWK TRIBE, NEW YORK

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) Case No. 82-CETA-A-35
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ORDER DENYING MOTION
NOT TO COLLECT DEBT

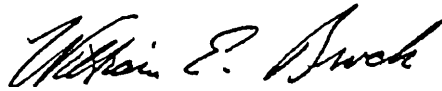
On January 4, 1985, the presiding Administrative Law Judge (ALJ) partially upheld the Grant Officer's final determination in this case, and affirmed the disallowance of \$39,045.03 in funds expended under the Comprehensive Employment and Training Act (CETA). 29 U.S.C. §§ 801-999 (supp. V 1981). The Under Secretary, acting on behalf of the Secretary, declined to review the decision and the ALJ's decision became the Secretary's final decision. 20 C.F.R. § 676.91(f) (1985). On April 18, 1985, the proceedings in this case were stayed pending an appeal by the St. Regis Mohawk Tribe (Tribe) to the United States Court of Appeals for the Second Circuit. On May 21, 1985, the Tribe made a motion that the Secretary exercise his discretion and not collect the disallowed costs owed by the Tribe to the Government. The Tribe's petition for review of the Secretary's decision was denied on July 17, 1985. St. Regis Mohawk Tribe, New York v. Brock, 769 F.2d 37 (2d Cir. 1985). The court of appeals determined that the Secretary did not lose jurisdiction over a case even if he failed to meet the CETA requirement that he issue a final determination within

120 days after a final audit report. CETA § 106(b), 29 U.S.C. § 816(b). The Tribe petitioned the Supreme Court for certiorari, which was denied. St. Regis Mohawk Tribe v. Brock, No. 85-949, cert. denied, (U.S. May 27, 1986) 54 U.S.L.W. 3774. See Brock v. Pierce County, No. 85-385 (U.S. May 19, 1986) 54 U.S.L.W. 4476. '

The Tribe urges that it be relieved of the liability of repayment of the disallowed funds because it would cause economic hardship. This claim provides no legal basis for me to forgive the debt which has been established and I decline to grant the motion. The Tribe may cooperate with Department of Labor staff who are responsible for collecting debts to arrange terms of repayment which insure the recoupment of the misexpended funds while attempting to minimize the economic impact on the Tribe.

The motion not to collect the disallowed costs IS DENIED.

SO ORDERED.


Secretary of Labor

Dated: JUL 29 1986
Washington, D.C.